

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - FLINT**

IN RE:

CHRISTOPHER D. WYMAN,

DEBTOR,

CASE NO. 12-33264-dof
CHAPTER 7
HONORABLE DANIEL S. OPPERMAN

Samuel D. Sweet, Trustee,
Plaintiff,

Adversary No. 19-03018-dof

v

Barbara Duggan,
Defendant.

ANSWER TO AFFIRMATIVE DEFENSES AND COUNTER-CLAIM

NOW COMES Plaintiff/Trustee, Samuel D. Sweet, by and through his counsel, Samuel D. Sweet, PLC, and hereby in answer relative to the affirmative defenses of the Defendant/Counter-Plaintiff hereby states as follows:

1. Neither admit nor deny as the statement contains a legal conclusion.
2. Neither admit nor deny as the statement contains a legal conclusion.
3. Neither admit nor deny as the statement contains a legal conclusion.
4. Neither admit nor deny as the statement contains a legal conclusion.
5. Neither admit nor deny as the statement contains a legal conclusion.
6. Neither admit nor deny as the statement contains a legal conclusion.
7. Neither admit nor deny as the statement contains a legal conclusion.
8. Neither admit nor deny as the statement contains a legal conclusion.

COUNTER COMPLAINT

NOW COMES Counter-Defendant/Trustee, Samuel D. Sweet, by and through his counsel, Samuel D. Sweet, PLC, and hereby in answer relative to the counter complaint of the Defendant/Counter-Plaintiff states as follows:

1. Neither admit nor deny and leaves Counter-Plaintiff to its proofs.
2. Neither admit nor deny as the statement requires a legal conclusion.

3. Neither admit nor deny as the statement requires a legal conclusion.
4. Neither admit nor deny as the statement requires a legal conclusion.

COUNT I: DECLARATORY JUDGMENT

5. Admit.
6. Admit as the statute speaks for itself.
7. Neither admit nor deny as the statute speaks for itself.
8. Admit as the statute speaks for itself.
9. Neither admit nor deny as the statement requires a legal conclusion.
10. Neither admit nor deny as the statement requires a legal conclusion.

WHEREFORE, Counter-Defendant/Trustee respectfully requests this Honorable Court deny the requested Counter Claim and dismiss said claim forthwith.

COUNT II: BREACH OF FIDUCIARY DUTY AND WASTE

11. Admit.
12. Admit.
13. Neither admit nor deny and leaves Counter-Plaintiff to its proofs.
14. Neither admit nor deny and leaves Counter-Plaintiff to its proofs.
15. Neither admit nor deny and leaves Counter-Plaintiff to its proofs.
16. Neither admit nor deny and leaves Counter-Plaintiff to its proofs.
17. Admit.
18. Denied as the Trustee had no ability to liquidate the property until an Adversary Proceeding was resolved in which the estate had sued Michelle Pichler who was actually the owner of record of said property.
19. Neither admit nor deny and leaves Counter-Plaintiff to its proofs.
20. Neither admit nor deny as the testimony of Trustee Sweet speaks for itself.
21. Denied.
22. Denied.
23. Denied.

WHEREFORE, Plaintiff/Trustee respectfully requests this Honorable Court deny the requested relief by the Defendant/Counter-Plaintiff and dismiss said claim forthwith.

COUNT III: ABANDONMENT 11 USC 554(b)

24. Admit.
25. Admit.
26. Neither admit nor deny and leaves Counter-Plaintiff to its proofs.
27. Neither admit nor deny and leaves Counter-Plaintiff to its proofs.
28. Neither admit nor deny and leaves Counter-Plaintiff to its proofs.
29. Neither admit nor deny and leaves Counter-Plaintiff to its proofs.
30. Neither admit nor deny as the statute speaks for itself.
31. Neither admit nor deny as the statement requires a legal conclusion.
32. Neither admit nor deny as the statement requires a legal conclusion.
33. Neither admit nor deny as the statement requires a legal conclusion.
34. Denied.
35. Denied.

WHEREFORE, Plaintiff/Trustee prays this Honorable Court deny and dismiss this Counter Claim by the Plaintiff forthwith.

Respectfully submitted,

SAMUEL D. SWEET, PLC

By: /s/ Samuel D. Sweet
Samuel D. Sweet (P48668)
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Dated: 4/9/2019

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the following:

Answer to Affirmative Defenses and Counter Claim

was electronically served on the 9th day of April, 2019, upon:

Dennis L. Perkins
Attorney for Debtor
bkperk@sbcglobal.net
(Via ECF Only)

Elie Bejjani
Attorney for Barbara Duggan
elie@bejjanilaw.com
(Via ECF Only)

was served via First Class Mail, pre-paid postage, on this 9th day of April, 2019, addressed as follows:

Christopher D. Wyman
6241 Grand River Road
Brighton, MI 48114

Michael E. Tindall
18530 Mack Ave., Ste. 430
Detroit, Michigan 48236

/s/ Jessica A. Will
SAMUEL D. SWEET, PLC
Jessica A. Will, Legal Assistant
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